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Case 7070

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :  
Donn Nelson Rubingh et al. :  
Serial No. 09/646,984 :  
Confirmation No. 3865 : Group Art Unit 1652  
Filed September 25, 2000 : Examiner W.W. Moore  
For SERINE PROTEASE VARIANTS HAVING AMINO ACID DELETIONS AND  
SUBSTITUTIONS

AMENDMENT AFTER FINAL OFFICE ACTION UNDER 37 CFR 51.116

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Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Examiner:

INTRODUCTORY REMARKS

In response to the March 17, 2004 Office Action in the above-entitled application, please  
amend the application as follows and consider the following remarks.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of  
this paper.

Remarks/Response to Office Action begin on page 6 of this paper.

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1202	54.00

Appl No. 09/646,984  
Atty. Docket No. 7070  
Amdt. Dated June 17, 2004  
Reply to Office Action of March 17, 2004  
Customer No. 27752

water-sensitive dermatological active agents or cosmetic active agents as preferred embodiments for personal care compositions. See column 16, line 64 to column 17, line 5. Therefore, Powell et al. teach away from Applicants' claimed invention by teaching only non-aqueous compositions.

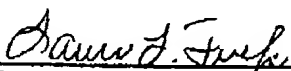
Furthermore, Powell et al. only teach the preparation of a personal care composition comprising subtilisin SP 544, while Bryan et al. specifically teach subtilisin deletion and modification. One skilled in the art would not be motivated to combine a reference teaching specific deletions and modifications of specific regions of different subtilisins with the Powell et al. general description of a personal care composition comprising subtilisin SP 544. Bryan et al. specifically teach altering amino acids in subtilisin BPN<sup>®</sup> to increase stability with metal chelators. Powell et al. teach that subtilisins can be used in personal care compositions, and there would be no motivation to combine that broad and general teaching with a reference teaching inhibition of proteolysis in an industrial environment.

Therefore, Applicants contend that a *prima facie* case of obviousness has not been established, and the claimed invention is not obvious in view of the cited references.

#### Conclusion

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. WHEREFORE, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein and allowance of Claims 1, 2, 11, 14-16, 18, 20, 22, 24, 26, 27, and 29-34.

Respectfully submitted,  
Donn Nelson Rubingh, et al.

By   
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June 17, 2004  
Customer No. 27752